

November 13, 2002

Office of the Assistant General Counsel for Ocean Services
National Atmospheric and Oceanic Administration
U.S. Department of Commerce
1305 East-West Highway, Room 6111
Silver Spring, Maryland 20910

RE: Comments on the Millennium Pipeline Proposal by the Village of Croton-on-Hudson Water Control Commission.

Dear Sir/Madam:

My name is Charlie Kane, and I am the chairman of the Water Control Commission of the Village of Croton-on-Hudson. On behalf of the Commission, I would like to offer the following comments focusing on the ecological impacts of the proposed Haverstraw Bay crossing.

Haverstraw Bay, within the Village of Croton-on-Hudson, possesses several unique physical and biological characteristics making it one of the most significant fish and wildlife habitats on the Northeast Coast of the United States. This special area of the Hudson, characterized by sunlit shallow depths, submerged vegetation and inflows of brackish Atlantic Ocean water overlain by upstream fresh water flows, make this area a perfect estuarine environment for supporting aquatic biodiversity. These features also create an essential "nutrient trap" that is directly related to the biological productivity of the Bay and its use as a spawning ground and nursery for newly-spawned "young of the year" of many important Hudson River and North Atlantic Coastal fish species. No other area of the Hudson's 315-mile course from the Adirondack wilderness to the Atlantic Ocean possesses these environmentally significant physical characteristics. For these reasons, Haverstraw Bay could be called the "ecological engine" of the Hudson River estuary. It is this very area, however, that will be directly impacted by Millennium's unprecedented pipeline crossing proposal.

Millennium proposes to dredge, blast, excavate, and back fill 200,000 cubic yards of sedimentary and mica schist bedrock material during the crossing of Haverstraw Bay. Almost two miles of the proposed dredging and blasting operations will occur in areas of Haverstraw Bay that have been undisturbed since its creation 14,000 years ago by the retreating Wisconsin Glacier. Directly impacted by the proposed crossing will be 4,724,000 square feet of pristine benthic habitat with submerged aquatic vegetation. No amount of mitigation or restoration, at any cost, will restore this sensitive habitat to its previously undisturbed state.

Burial or destruction of the lowest forms of Bay life by dredging, siltation, resuspension of sediments, or backfilling operations related to dredging or blasting of benthic habitat, threatens to interrupt the food web that exists in Haverstraw Bay. The impacts of the crossing will be exacerbated due to tidal action and the low flushing rate in the Bay. As a result, silt from dredging, blasting, or backfilling operations will be deposited back and forth in the Bay and beyond every six hours with the changing tides, never actually leaving the Bay. Naturally